

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREG SUTTERFIELD,
Derivatively On Behalf of
MICROMUSE,

Plaintiff(s),

LLOYD CARNEY, et al.,

Defendant(s).

MICROMUSE INC., a Delaware
Corp.,

Nominal Defendant.)

No. C 04-0893 BZ

**ORDER DENYING STATE
DERIVATIVE PLAINTIFFS'
APPLICATION FOR FEES AND
EXPENSES AND DENYING
PLAINTIFFS' MOTION TO STRIKE**

For the reasons expressed at the hearing, **IT IS HEREBY ORDERED** that the application of the State Derivative Plaintiffs and, to the extent made, the Objectors to the settlement in the derivative action, for an award of attorneys' fees and expenses is **DENIED**.

IT IS FURTHER ORDERED that plaintiffs' Motion To Strike the State Derivative Plaintiffs' Application is **DENIED AS MOOT**.

DATED: December 7, 2005



Bernard Zimmerman
United States Magistrate Judge